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EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,523

Applicant(s)

LEE, KOK-MENG

Examiner

David J. Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 22-27, 29-35 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-15, 22-27, 29-35 and 45-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 8-10-05 and this application is non-final.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-10-05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10, 15 and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by

U.S. Patent No. 5,259,811 to Berry.

Referring to claim 1, Berry discloses a device for grasping and supporting a live object, the device comprising, a pair of counter rotating supporting structures – at 12-14, configured to

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compel the live object in an x-translational direction at an x-translational speed – see for example figures 1-2, each supporting structure including an upper portion and a lower portion – see for example figures 2-4, and wherein the upper portion includes a plurality of apertures – see in item 27, having a second configuration – see for example figures 3-4, and the lower portion includes a plurality of apertures disposed therein – see in item 27 in figures 3-4, a compliant finger – at 28, disposed within each of the plurality of apertures – see for example figures 2-4, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further configured to grasp and hold a body of the live object – see for example figures 5a-5d, and a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.

Referring to claim 3, Berry discloses the lower portion of the supporting structure is further configured to include at least three compliant fingers each disposed in an individual aperture for supporting a body of the live object – see for example the lower half of item 27 in figures 2-4.

Referring to claim 4, Berry discloses the upper portion of the supporting structure is further configured to include at least two compliant fingers for constraining the body of the live object from above – see at the upper portion of item 27 in figures 2-5.

Referring to claim 5, Berry discloses the three compliant fingers each disposed in an aperture in the lower portion of the supporting structure further comprises a first finger of a first length, a second finger of a second length and a third finger of a third length – see for example items – 28 in figures 2-5.

Referring to claim 6, Berry discloses the two compliant fingers each disposed in an aperture in the upper portion of the supporting structure further comprises a fourth finger of a fourth length and a fifth finger of a fifth length – see at items 28 in figures 2-5.

Referring to claim 7, Berry discloses the compliant fingers disposed in the plurality of apertures in the upper section of the supporting structure – at 27, incline downward – see for example figures 2-4, and the compliant fingers disposed in the plurality of apertures in the lower portion of the supporting structure incline upward – see for example at items 12-13 in figures 1-2 where the fingers on the left side of the supporting structure are inclined upward in the direction of the inclined conveyor – at 18,20.

Referring to claim 8, Berry discloses the fingers are of a rubber material – see for example column 4 lines 23-26.

Referring to claim 9, Berry discloses the speed control module is further configured to synchronize the rotation of the supporting structures – at 12-14, with a conveyor – at 18 and/or 24, transporting the live object – see for example figures 1-5, column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.

Referring to claim 10, Berry discloses the speed control module is further configured to vary the x-translational speed of the live object while constraining the body in the compliant fingers – see for example figures 1-5, column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.

Referring to claim 15, Berry discloses the pair of counter rotating supporting structures – at 12-14, are further configured to rotate at the same speed – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.

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Referring to claim 52, Berry discloses a locking mechanism – at 350,351, is configured to maintain a position of the pair of supporting structures – see for example figure 14.

Referring to claim 53, Berry discloses the locking mechanism is further configured to release the body of the live object corresponding to a specific x-translational position – see for example figure 14 and column 4 lines 41-57.

Claims 1, 10-11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,514,033 to Berry.

Referring to claim 1, Berry '033 discloses a device for grasping and supporting a live object, the device comprising, a pair of counter rotating supporting structures – at 306,307, configured to compel the live object in an x-translational direction at an x-translational speed – see for example figure 13, each supporting structure including an upper portion and a lower portion – see for example 13 of Berry '811 incorporated by reference, and wherein the upper portion and the lower portion each include a plurality of apertures disposed therein – see in item 319 in figure 13 of Berry '911, the plurality of apertures in the upper portion having a first configuration – see for example figure 13 and the plurality of apertures in the lower portion having a second configuration – see for example figure 13, a compliant finger – see figure 13, disposed within each of the plurality of apertures – see for example figure 13, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further configured to support and constrain a body of the live object – see for example figure 13, and a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example columns 6-7.

Referring to claim 10, Berry '033 discloses the speed control module is further configured to vary the x-translational speed of the live object while constraining the body in the compliant fingers – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and columns 6-7.

Referring to claim 11, Berry '033, discloses a conveyor – see figure 8, for transporting the live object towards the pair of counter rotating supporting structures – at 30 in figure 8, the conveyor further comprises a pallet assembly 19, 19', having a perch bar – at 23', 24', 25', movably fixed to the conveyor and wherein the perch bar is configured to receive the live object – see for example figures 1-7.

Referring to claim 13, Berry '033 discloses the speed control module controls the timing of the rotation of the supporting structures such that the rotation of the supporting structures is synchronized with the movement of the pallet assemblies – see for example figures 1-8 and column 3 lines 1-40.

Referring to claim 14, Berry '033 discloses the speed control module controls the timing of the rotation of the supporting structures in relation to the speed of the conveyor such that the rotation of the supporting structures moves the live object from the compliant fingers of the pair of counter rotating supporting structures at a specified rate – see for example figures 1-8 and column 3 lines 1-40.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 1 above. Berry does not disclose each compliant finger has a structural rigidity between 0.08Nm^2 and approximately 0.35Nm^2 . However, it would have been obvious to one of ordinary skill in the art to take the device of Berry and add the structural rigidity of the fingers as being between 0.08Nm^2 and approximately 0.35Nm^2 , so as to allow for the fingers to not damage the live objects during use. Further, applicant offers no specific details in the specification stating that the range of values for the structural rigidity of the fingers, solves any particular problems or is done for any particular reason over differing structural rigidity values.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry '033 as applied to claim 11 above, and further in view of van den Brink.

Referring to claim 12, Berry '033 discloses a shackle – at 19', affixed to the perch bar, the shackle having a pair of grippers – at 26', 27', for gripping extending legs of the live object. Berry '033 does not disclose when the perch bar declines under the shackle, the set of compliant fingers of the pair of counter rotating supporting structures constrains the live object therein. Van den Brink does disclose when the perch bar – at 60, 61, declines under the shackle – at 59, the set of compliant fingers – at 55, of the pair of counter rotating supporting structures – at the end portions of items 55 connected to the pins in item 61, constrains the live object therein – see for example figure 11. Therefore it would have been obvious to one of ordinary skill in the art to

take the device of Berry '033 and add the perch bar and shackle of van den Brink, so as to allow for the live object to be securely held during transfers to other conveyors for further processing.

Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry '033 as applied to claim 1 above, and further in view of Berry '811.

Referring to claim 52, Berry '033 does not disclose a locking mechanism configured to maintain a position of the pair of supporting structures. Berry '811 does disclose a locking mechanism – at 350,351, configured to maintain a position of the pair of supporting structures – see for example figure 14. Therefore it would have been obvious to one of ordinary skill in the art to take the device Berry '033 and add the locking mechanism of Berry '811, so as to allow for the movement of the live animals in the device to be controlled so that the live animals cannot escape the device.

Referring to claim 53, Berry '033 as modified by Berry '811 further discloses the locking mechanism is further configured to release the body of the live object corresponding to a specific x-translational position – see for example figure 14 and column 4 lines 41-57 of Berry '811.

Claims 22-27, 29 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,658,476 to van den Brink in view of U.S. Patent No. 2,739,347 to Sharp et al.

Referring to claim 22, van den Brink discloses a system comprising, a pallet assembly – at 30-48, having a perch bar supporting structure – at 38, the perch bar supporting structure including perch bars – at 44,45, a shackle assembly – at 59, movably affixed to the pallet assembly – see for example figure 11, the shackle assembly comprising a pair of compliant grippers – at 62,63, a trap bar assembly – at 47,48, the trap bar assembly affixed to the pallet

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assembly – see for example figures 4-5, a shackle control mechanism – at 3-5, 52-57 and 61, affixed to the shackle assembly, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly – see for example figures 10-11, and a trolley affixed to the pallet assembly configured to move in an x-translational direction – see for example at the upper end of 54 in figures 10-11. van den Brink does not disclose the shackle assembly comprises a pair of non-rigid grippers. Sharp et al. does disclose the shackle assembly comprises a pair of non-rigid grippers – at 62-80 – see for example figures 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink and add the shackle assembly with non-rigid grippers, so as to allow for the shackle assembly to be able to securely hold animals of differing sizes and configurations.

Referring to claim 23, van den Brink as modified by Sharp et al. further discloses the pallet assembly is configured to include rollers – at 32, 33, for traversing on a conveyor – at 31-33, the pallet assembly further being configured to travel along a separate track of the conveyor from a track of the conveyor utilized by the trolley – see for example figure 2 of van den Brink.

Referring to claim 24, van den Brink as modified by Sharp et al. further discloses the conveyor further comprises a drop cam, configured to define a transition in a z-direction, wherein the z-direction comprises a normal vector relative to a conveyor surface – see for example figures 1-2 and 9-10 and column 4 lines 8-14 of van den Brink.

Referring to claim 25, van den Brink as modified by Sharp et al. further discloses the trolley is configured to move along the drop cam in a z-translational direction while continuing to travel in an x-translational direction – see for example figures 10-11 of van den Brink.

Referring to claim 26, van den Brink as modified by Sharp et al. further discloses the shackle control mechanism further comprises a shackle stopper – at 4,52,57, and a shackle releaser – at 5, wherein the shackle stopper and the shackle releaser provide for a move or stop control in both an x and z direction – see for example figures 1-11 of van den Brink.

Referring to claim 27, van den Brink as modified by Sharp et al. further discloses the shackle assembly further comprises a shackle and an x-translational guide – see at the upper end of 59 in figure 11, the x-translational guide configured to provide for forward and backward movement of the shackle in the x-translational direction relative to the pallet assembly, the movement of the shackle in the z-direction to stay above the pallet assembly when the trolley of the pallet assembly moves along the drop cam – see for example figures 1-11 of van den Brink.

Referring to claim 29, van den Brink as modified by Sharp et al. further discloses a back panel affixed to a rear portion of the pallet assembly – see at 34,36 in figure 10 of van den Brink.

Referring to claim 45, van den Brink discloses a feet gripping system comprising, a perch bar – at 44,45, having a z-direction compliance, the z-direction being a direction along a superior-inferior axis of a live object – see for example figures 4-5, the perch bar being configured to support a live object – see for example figures 4-5, grippers – at 47,48, having a y-direction compliance, the y-direction being a direction along a lateral axis of the live object, the grippers being configured to support the live object – see for example figures 4-5, and a first assembly comprising a spring – see column 4 lines 50-67, the first assembly having an x-direction compliance, the x-direction being a direction along an anterior-posterior axis of the live object – see for example figures 1-11. van den Brink does not disclose the grippers being configured to grasp and fully support a live object. Sharp et al. does disclose the grippers – at 62-

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80, being configured to grasp and fully support the animal – see for example figures 4-5.

Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink and add the grippers of Sharp et al., so as to allow for the animals to be securely held during conveying along the processing line.

Referring to claim 46, van den Brink as modified by Sharp et al. further discloses the perch bars are configured to have a z-direction compliance – see for example figures 10-11 of van den Brink.

Referring to claim 47, van den Brink as modified by Sharp et al. further discloses the grippers are configured to have a y-direction compliance – see for example figure 11 of van den Brink and figures 4-5 of Sharp et al.

Referring to claim 48, van den Brink as modified by Sharp et al. further discloses a shackle stopper – at 53-59, and a shackle releaser – the conveyor on which the shackle – at 59 travels, and wherein the shackle stopper and shackle releaser provide for a move or stop control in both x and z directions – see for example figures 1 and 11 of van den Brink.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink as modified by Sharp et al. as applied to claim 22 above, and further in view of U.S. Patent No. 6,561,555 to Millard. van den Brink as modified by Sharp et al. further discloses the trap bar assembly – at 47,48, is configured to rotate along an axis that is fixed with respect to the pallet – see for example figures 1-11 of van den Brink. Van den Brink as modified by Sharp et al. does not disclose the trap bar assembly comprises a magnetic lock a roller and a cam. Millard does disclose the trap bar assembly – at 16, has a magnetic lock – at 18, a roller – at 32 and a cam – see for example column 1 lines 48-64. Therefore it would have been obvious to one of ordinary

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skill in the art to take the device of van den Brink as modified by Sharp et al. and add the magnetic lock of Millard, so as to securely hold the trap bar assembly in place.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink as modified by Sharp et al. as applied to claim 22 above, and further in view of Berry '811.

Referring to claims 31-32, Van den Brink as modified by Sharp et al. does not disclose a pair of counter rotating supporting structures each supporting structure including an upper portion and a lower portion and wherein the upper portion and the lower portion each include a plurality of apertures disposed therein a compliant finger disposed within each of the plurality of apertures the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further configured to support and constrain a body of the live object. Berry '811 does disclose a pair of counter rotating supporting structures – at 12-14, each supporting structure including an upper portion and a lower portion – see for example figures 2-4, and wherein the upper portion and the lower portion each include a plurality of apertures disposed therein – see in item 27 in figures 3-4, a compliant finger – at 28, disposed within each of the plurality of apertures – see for example figures 2-4, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further configured to support and constrain a body of the live object – see for example figures 5a-5d, and a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink as modified by Sharp et al. and add the rotating support

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structures of Berry '811, so as to allow for the orientation of the live object to be proper for further processing/conveying.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink as modified by Sharp et al. as applied to claim 23 above, and further in view of Berry '033. van den Brink as modified by Sharp et al. does not disclose the conveyor further comprises an inverter portion that follows an inversion path for inverting the isolated live object shackled in the shackle assembly. Berry '033 does disclose the conveyor – at 20, further comprises an inverter portion – see figure 7, that follows an inversion path for inverting the isolated live object shackled in the shackle assembly – see for example figure 7. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink as modified by Sharp et al. and add the inverter of Berry '033, so as to allow for the animals to be prepared for further processing along the processing line.

Claims 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink as modified by Sharp et al. as applied to claim 23 above, and further in view of U.S. Patent No. 6,086,469 to Cody et al.

Referring to claim 50, van den Brink as modified by Sharp et al. does not disclose a first speed control module configured to control the speed of the conveyor. Cody et al. does disclose a first speed control module – at 122, configured to control the speed of the conveyor – see for example column 3 lines 66-67 and column 4 lines 1-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink as modified by Sharp et al. and add the conveyor speed control module of Cody et al., so as to allow for the operation of the conveyor to be controlled to allow for the processing line to operate more efficiently.

Referring to claim 51, van den Brink as modified by Sharp et al. and Cody et al. further discloses a second speed control module – at 108-118 or 128, configured to control the speed and timing of the rotation of a plurality of supporting structures – at 70, in relation to the speed of the conveyor – at 52 – see for example figures 1 and 10 and column 3 lines 66-67 and column 4 lines 1-4 of Cody et al.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink in view of Sharp et al. and Cody et al.

Referring to claim 33, van den Brink discloses a system comprising, a pallet assembly – at 30-48, having a perch bar supporting structure – at 38, the perch bar supporting structure including perch bars – at 44,45, a shackle assembly – at 59, movably affixed to the pallet assembly – see for example figure 11, a conveyor – at 4, for transporting the pallet assembly – see for example figure 1, the conveyor further configured to include a drop-cam – at 53, for lowering the pallet assembly – see figures 9-11, a shackle assembly comprising a pair of compliant grippers – at 62,63, a trap bar assembly – at 47,48, the trap bar assembly affixed to the pallet assembly for supporting the isolated live object while the pallet assembly is lowered – see for example figures 4-5, a shackle control mechanism – at 3-5,52-57 and 61, affixed to the shackle assembly, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly – see for example figures 10-11, and a trolley affixed to the pallet assembly configured to move in an x-translational direction – see for example at the upper end of 54 in figures 10-11. van den Brink does not disclose a pair of rotating hands having fingers for fully supporting the isolated live object. Sharp et al. does disclose a pair of rotating hands – at 12-80, having fingers – at 66,68, for fully supporting the isolated live object – see for

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example figures 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink and add the pair of rotating hands of Sharp et al., so as to allow for the animals to be securely held during conveying along the processing line. Van den Brink as modified by Sharp et al. further does not disclose a first speed control module for controlling the speed of a conveyor and a second speed control module for controlling the speed and timing of the rotation of the pair of rotating hands in relation to the speed of the conveyor. Cody et al. does disclose a first speed control module – at 122, for controlling the speed of a conveyor – at 52, and a second speed control module – at 128, for controlling the speed and timing of the rotation of the pair of rotating hands – at 64-70, in relation to the speed of the conveyor – at 52 – see for example figures 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the device of van den Brink as modified by Sharp et al. and add the conveyor speed control module of Cody et al., so as to allow for the operation of the conveyor to be controlled to allow for the processing line to operate more efficiently.

Referring to claim 34, van den Brink as modified by Sharp et al. and Cody et al. further discloses an inverter portion – see for example figures 10-11, that follows an inversion path for inverting the isolated live object shackled in the shackle assembly – see for example figures 10-11 of van den Brink.

Referring to claim 35, van den Brink as modified by Sharp et al. and Cody et al. further discloses the first speed control module and the second speed control module add claim to a speed profile – see for example columns 4-7 of van den Brink.

Allowable Subject Matter

4. Claim 28 is allowed.

Response to Arguments

5. Applicant's amendments/arguments dated 8-10-05 are persuasive and have overcome the 35 U.S.C. 112 2nd paragraph rejections set forth in the previous office action dated 6-21-05.

Regarding claims 1-15, after further review of the claims and the prior art references with the examiner's supervisor/primary examiner it is deemed that both the Berry reference US 5259811 and the Berry reference US 5514033 still disclose applicant's claimed invention. The Berry reference '811 discloses support structures – at 12-16 or 300-307, which include a plurality of resilient finger elements – at 28 or as seen in figure 13, which grasp and hold a body of a live object as seen in column 4 lines 61-68 which describes that the supporting structures lift the live objects from the ground and onto the conveyor – at 18. As seen in figure 2, the conveyor – at 18 is elevated a distance above the ground and thus to ensure that the live objects move onto the conveyor – at 18, the supporting structures – at 12-16 or 300-307 must lift the live objects to allow the live objects to be placed on the conveyor – at 18. Further, the resilient finger elements – at 28 and as seen in figure 13, must both grasp and hold the live objects for the device of Berry '811 to function properly in allowing the live objects to be lifted and placed on the conveyor – at 18. The definition of grasp as seen in Merriam-Webster's Collegiate Dictionary 10th edition is to clasp or embrace esp. with fingers or arms. For the finger elements of the support structures – at

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12-16 or 300-307 to lift the live objects from the ground they must clasp or embrace the live objects to support the live objects during the lifting process onto the conveyor – at 18. Further, the definition of hold in Merriam-Webster's Collegiate Dictionary 10th edition is to support in a particular position or to keep from falling or moving. For the device of Berry '811 to function properly the resilient finger elements – at 28 or as seen in figure 13, must support the live objects above in a particular position above the ground so as to allow the live objects to be raised a sufficient distance overcome the distance which the conveyor – at 18 is above the ground as seen in figure 2 of Berry '811. Therefore the Berry '811 reference discloses resilient finger elements which both hold and grasp a live object as claimed.

Further, regarding claims 1-15, the Berry reference US 5514033 incorporates a support assembly – at 30 using resilient finger elements as seen in figure 8 and the support structure – at 30 is the same structure as that of items 306-307 seen in figure 13 of the Berry '811 reference in that the support structure of 306-307 of Berry '811 is incorporated by reference into the Berry '033 reference. Therefore, the Berry '033 reference discloses resilient finger elements which grasp and hold the live objects for the same reasons detailed in this paragraph above with respect to the Berry '811 reference.

Applicant's arguments with respect to claims 22-35 and 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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